

# CRB COMPLAINT EVALUATION FORM

Case Number: 09-004

Complainant Name: Lynn Parker

## CASE SUMMARY

**Date of Incident:** 11/14/08  
**Date of Complaint filed with IA:** 2/23/09  
**Date of Complaint filed with CRB:** 2/23/09

**Officer:** Daniel Jones

**Allegation:** Excessive Force  
False Arrest

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The Complainant, Ms. Lynn Parker, filed a complaint against Officer Daniel Jones concerning an incident that occurred on November 11, 2008. Ms. Parker claims that when the officers interacted with her inside and around her parked vehicle (van), police officer Daniel Jones falsely arrested her and in doing so used excessive force when arresting her. Ms. Parker claims that criminal charges were dropped against her which substantiates the false arrest claim. Ms. Parker authored a detailed story for a local newspaper, *Key West The Newspaper*, and attached it to her complaint and proffered various arrest documents and pictures to substantiate her claim.

The Key West Police Internal Affairs Department (IA) looked into the matter and found no basis for the allegations. IA interviewed a number of third parties who refuted Ms. Parker's versions of events that occurred the night of her arrest. IA also interviewed the assistant state attorney (ASA) who handled the prosecution of Ms. Parker's criminal case. The ASA felt that the arrest and case had legal merit but used his prosecutorial discretion and dropped the criminal charges in light that "*The ends of justice had been met*" in this situation. Ms. Parker was recently incarcerated for an unrelated charge but was able to write back to the CRB as to her reply to the IA report, basically refuting many of the statements found in the IA report.

This file consists of the following written/visual materials:

1. Complaint along with the attachments and newspaper article provided by the complainant.
2. Colored pictures received from the complainant showing the alleged injuries sustained during the arrest;
3. IA's Letter of Findings;
4. Lynn Parker's Response to the IA Findings;
5. Lynn Parker's Arrest Information from the Monroe County Sheriff's Website & Clerk of the Court's File Information Concerning her Criminal Case which was "*nolle prossed*"; and
6. Notice Letters to the involved parties.

**1**

# Citizen Review Board

#3 East Quay Road, Key West, FL 33040

PO Box 1946, Key West, FL 33041


(305) 809-3887 Fax (305) 293-9827

email: [crb@keywestcity.com](mailto:crb@keywestcity.com)

<http://www.keywestcity.com/department/board.asp?fDD=36-153>

- What you need to know before completing the attached complaint form:
- This complaint and any attachment become public record. If you have already filed a report with Key West Police Department Internal Affairs, and you want that complaint to remain confidential until the investigation is complete, you may want to refrain from filing at this time.
- Complaints should be filed as soon as possible the time you became aware of the incident or after resolution of any criminal charges.
- Anyone who has criminal charges pending related to this complaint should consult an attorney before filing the complaint with the CRB and such pending charges may delay the progress of the investigation of your complaint with the CRB.
- Complainants must advise the CRB of any changes of address or phone number; failure to provide the CRB current information or means for CRB to contact the complainant may result in dismissal of the case.
- All documents received by this office, including medical records, photo IDs, communications and alike become public records and will be disclosed on the Internet and viewable by anyone or any person. You should consider this fact before sending any matters or materials to this office.
- The CRB and its employees and agents are not your legal representatives. You should seek independent legal representations to understand your legal rights regarding the matters referenced in your complaint.
- The CRB jurisdiction is limited to City of Key West Police Officers and NOT Monroe county sheriffs, correction officers, Florida Fish and Wildlife Officers, FDLE representatives, Florida Highway Patrol Officers, Federal Agents, Military personal and alike.

I have read and understand the information provided to me on this page.

  
Name/Nombre

\_\_\_\_\_  
Date/Fecha

# COMPLAINT FORM

## Citizen Review Board

#3 East Quay Road, Key West, FL 33040

PO Box 1946, Key West, FL 33041

<http://www.keywestcity.com>

[email: crb@keywestcity.com](mailto:crb@keywestcity.com)

(305) 809-3887 Fax (305) 293-9827

Please provide as much information as you can about the incident(s). Use additional pages if necessary.

Suministre la mayor cantidad de información posible acerca del (de los) incidente(s). Utilice páginas adicionales si fuese necesario

### A. COMPLAINANT INFORMATION

#### DATOS DEL DENUNCIANTE

Name: Lynn Parker Date of Birth: 6/26/48  
Nombre Fecha de nacimiento

Address: No physical Address  
(Dirección) Street (Ciudad) City (Estado) State (Código Postal) Zip

Mailing Address: 1075 Duval Square #213, Key West.  
Dirección postal PO Box or Street, City, State and Zip

Work Address: none 33040  
(Dirección del trabajo)

Home Phone: ( ) Work Phone: ( ) Cellular: ( ) 305 896-3134  
Teléfono Particular Teléfono del Trabajo Celular

### B. NATURE OF COMPLAINT: CIRCLE ALL THAT APPLY. Naturaleza de la denuncia: Circular le todas las que apliquen.

Battery/Force Rudeness Deficient Svc Profanity Truthfulness Issue Driving False Arrest Excessive Force Searches

Other: Excessive Force on Resisting Arrest Charge

### C. INFORMATION ABOUT THE OFFICER(S) INVOLVED IN THE INCIDENT

#### DATOS DEL (DE LOS) OFICIAL (ES) INVOLUCRADO(S) EN EL INCIDENTE

Name: Daniel Jones Badge #: Vehicle #: 02 305 395-8464  
Nombre Placa No. Patrulla No.

Please provide a physical description of officer:

Describe la apariencia física del oficial:

Name: Badge #: Vehicle #:  
Nombre Placa No. Patrulla No.

Please provide a physical description of officer:

Describe la apariencia física del oficial:

Name: Badge #: Vehicle #:  
Nombre Placa No. Patrulla No.

Please provide a physical description of officer:

Describe la apariencia física del oficial:

**D. VICTIM/WITNESS INFORMATION**  
**DATOS DE LA VICTIMA/TESTIGO**

Did you witness the incident? Yes ☒ No ☐ *Victim*  
¿Fue usted testigo del incidente denunciado? Si ☐ No ☐

If you are filing a complaint on behalf of someone else, what is your relationship, if any, to the person(s):  
Si usted está presentando una denuncia en nombre de otra(s) persona(s), indique cuál es su relación, si la hay, con esa(s) persona(s):

Parent ☐ Spouse ☐ Relative ☐ Guardian ☐ Child ☐ Friend ☐ Other ☐  
Padre/Madre ☐ Conyuge ☐ Familiar ☐ Tutor ☐ Hijo/a ☐ Amigo/a ☐ Otra ☐

Please provide as much of the following information as you can about the person(s) on whose behalf the complaint is filed and any witness(es) to the incident:

Suministre la mayor cantidad posible de la información que se solicita a continuación, sobre la (las) persona(s) en nombre de la(s) cual(es) presenta la denuncia, y sobre el (los) testigo(s) del incidente:

**Victim/Witness #1**

**Victima/Testigo No. 1**

Is this person a: victim ☐ witness ☐  
Esta persona es: víctima ☐ testigo ☐

Name: \_\_\_\_\_  
Nombre \_\_\_\_\_  
Address: \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_  
Dirección: \_\_\_\_\_ Ciudad: \_\_\_\_\_ Estado: \_\_\_\_\_  
Zip Code \_\_\_\_\_ Contact numbers: Telephone \_\_\_\_\_ Cell \_\_\_\_\_  
Código Postal \_\_\_\_\_ Teléfono \_\_\_\_\_

**Victim/Witness #2**

**Victima/Testigo No. 2**

Is this person a: victim ☐ witness ☐  
Esta persona es: víctima ☐ testigo ☐

Name: \_\_\_\_\_  
Nombre \_\_\_\_\_  
Address: \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_  
Dirección: \_\_\_\_\_ Ciudad: \_\_\_\_\_ Estado: \_\_\_\_\_  
Zip Code \_\_\_\_\_ Contact numbers: Telephone \_\_\_\_\_ Cell \_\_\_\_\_  
Código Postal \_\_\_\_\_ Teléfono \_\_\_\_\_

**Victim/Witness #3**

**Victima/Testigo No. 3**

Is this person a: victim ☐ witness ☐  
Esta persona es: víctima ☐ testigo ☐

Name: \_\_\_\_\_  
Nombre \_\_\_\_\_  
Address: \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_  
Dirección: \_\_\_\_\_ Ciudad: \_\_\_\_\_ Estado: \_\_\_\_\_  
Zip Code \_\_\_\_\_ Contact numbers: Telephone \_\_\_\_\_ Cell \_\_\_\_\_  
Código Postal \_\_\_\_\_ Teléfono \_\_\_\_\_

E. INFORMATION ABOUT INCIDENT  
INFORMACION ACERCA DEL INCIDENTE

Please provide as much information as possible, using additional pages if necessary.

Suministre la mayor cantidad de informacion posible, utilizando páginas adicionales si fuese necesario.

Date:

Fecha:

Time:

Hora:

Location:

Lugar:

Case # if applicable:

No. de Caso, si corresponde:

November 14<sup>th</sup> 2008 08-5778

See Article which I confirm is true -  
I have Pictures of my Injuries to my  
Arms when the Officer used Excessive  
Force.

My Complaint as to False Arrest involves the  
Officer charging me with resisting Arrest  
Based on my door <sup>Car</sup> being locked.

I would have relocated my Car (van - I live in)  
if they would have asked me too.

Attached is the Police Report, Article + Arrest info.  
Michelle Fey was my Public Defender - All charges dismissed,  
w/o Prosecution -

Attach additional pages if necessary. Page number \_\_\_ of \_\_\_ pages of narrative

Are you being prosecuted for this incident or do you have a pending criminal case? Yes \_\_\_ No ☒

Have you ever been convicted of a felony? Yes \_\_\_ No ☒

"I hereby certify that, to the best of my knowledge, and under the penalty of perjury, the statements made herein are true." I hereby acknowledge and understand that any documents, materials, medical records, e-mail and other communication delivered to the CRB office becomes public record and shall be viewable on the internet by anyone or any entity.

Signature of Complainant

Date signed

Complaint Received by:

Complaint Reviewed by:

Action Taken:

Date complaint forwarded to Chief of Police: \_\_\_\_\_

## RESIDENTIAL



**SOLD** **SOLD**

SANTA CLARA - 1 Bedroom Condo with Ocean Views, \$200,000  
CONCH STYLE HOME - 2 Bedrooms, Wood Floors, Did not Flood! \$249,000 - **SOLD**  
ELEVATED HOME - 3 Bdrm/2 Bath, Move-In Condition, Fenced! \$399,000  
GREAT PROPERTY & GREAT NEIGHBORHOOD - 3 Bedrooms Home with Oversized Yard - \$549,000 **SOLD**  
WATERFRONT - Doublewide Mobile, 3 Bdrm/2 Bath with Dock! \$349,000  
CANAL HOME - Immaculate Condition, 3 Bdrm/2 Bath \$699,000  
KEY HAVEN HOME - Upgraded, 3 Bdrm/2 Bath, Canal with Sea Wall \$899,000  
LARGE CORNER HOME - 3BD/2BA w/ Pool, Pearlman Subdivision - \$645,000  
KEY COVE - 3/2.5 Waterfront home, garage, open balconies \$513,000  
BIG COPPITT - Double Mobile on Double Lot, Unique! \$399,000

## BUSINESS & COMMERCIAL



MULTI UNIT COMMERCIAL BUILDING - Historic District, Four Residential Units, Three Commercial Units \$1,750,000  
MOBILE SEAFOOD BUSINESS - Money Maker with very little overhead, Owner Financing, \$95,000  
COMMERCIAL BUILDING - New Offering with 3 Parcels of Land & Building on main thoroughfare of Stock Island \$1,800,000  
LOCAL CEMETERY - Over 8 acres of land with 76% of land still available for expansion, Seller Financing \$1,500,000  
PROPELLER & MACHINE SHOP - Owners retiring, located in Stock Island, \$999,000

## LONG TERM RENTALS



CANAL PROPERTY ON BIG COPPITT - Spacious 3 bedroom unfurnished home with wrap around porch and dock for your boat.  
Available now - \$2,000.

COMMERCIAL SPACE - Located in Key West on Truman Avenue, 1 space remaining, \$2,500.

LA BRISA - Gated Community 2/2 Furnished Units November 1st - \$2,300

## VACATION RENTALS



CONCH COMPOUND - 1 and 2 bedroom units, tropical grounds & pool... Old Town Location TRUMAN ANNEX 2/1 Unit overlooking Pool, Gated Community, Historic District.  
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## GUEST COMMENTARY

# You Can Beat the Rap, But You Can't Beat the Ride, Chapter 412

**WOMAN ARRESTED AND SPENDS 48 DAYS IN JAIL. HER VAN IS TOWED. BUT, IN COURT, ALL CHARGES ARE DISMISSED. IN THE MEANTIME, THE TOWING COMPANY IS TRYING TO SELL HER VAN**

**SO... WAS THIS A FALSE ARREST? IF SO, WHAT RESPONSIBILITY DOES THE CITY HAVE TO HELP HER GET HER VAN OUT OF IMPOUND?**

by Lynn Parker

On Friday night, November 14 2008, at about 1 AM, I was walking on Olivia Street in Key West, heading home for the night, when three drunk, angry men who were carrying open cans of beer chased me, shouting sexual overtures at me. I arrived at my van, legally parked in a lane off

Simonton. Soon after arriving "home," someone beat on the van and called: "Come out of there!" After beating on the van a few more times, the voice said "Key West Police! Come out of there!" I just crouched on the floor on my hands and knees, facing the side door, knowing that there was no reason for the police to bother me, as I was

not doing anything wrong. I was afraid that it might be my "friends" from earlier in the evening, so I did not open the door or even dare peek out to identify my caller.

Suddenly, the door opened, and I saw a Key West police officer in the doorway. I immediately rose up to my knees with my hands in the air over my head. He yelled, "Now you get resisting arrest, too" and grabbed my wrists, jerking me roughly from the van. My face was saved from hitting the pavement only by the officer's grip on my wrists. The movement caused violent jerking of my left shoulder, almost dislocating it, and the grip of the officer left several large, ugly bruises on my forearms.

The officer handcuffed my hands tightly behind my back,

See PARKER, page 23

## Fitness over 50



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## What Kind of Legal System do We Have That Allows a Woman to Spend 48 Days in Jail— Then Dismisses All the Charges? And Then, No One Seems to be Responsible for Restitution

**PARKER, from page 2**

in spite of my injured shoulder and bruises. He then tossed me into the back seat of the police car. When I leaned over to ease the pain in my shoulder and wrists, the officer screamed at me to sit up, and put my seat restraint on, a gizmo with multiple straps, like a straight-jacket. Added to the agony in my hands, cuffed behind my back, and my aching shoulder and forearms, I made the ride to the Monroe County Jail on Stock Island in a great deal of pain. I was booked on illegal camping in a motor vehicle and resisting arrest without violence. The resisting arrest charge was because I failed to open the van door for the police when they knocked.

My van, with all my belongings in it, was towed by a private towing company and held in impound.

In court on Monday, December 29, all charges were dismissed. The judge, the prosecutor and the public defender agreed that my van should be returned to me. My public defender, Michelle Perez, commented that I should never have been arrested, and told me legal services would assist in getting the van returned to me. By this time, the charges for towing and storage added up to \$1690. While I was incarcerated, the storage fee had doubled, from \$20 per day to \$40.

I went to legal services on the 31st. There I was informed that they could do nothing for me about getting the van back. Legal Services called my public defender, Michelle Perez, and informed her of that. I went back to the public defender's office, but was informed that they could not help, either, that I would have to get a lawyer and

sue for wrongful arrest, abuse, and restitution of my property. I was given paperwork to file a police complaint, and ACLU literature. I was also given information about the Citizen's Review Board, and advised to work with them.

I have since been able to get my personal belongings out of my van, but the van itself was put up for auction. I spent 48 days in jail for a crime I did not commit, and have lost everything as a result. I have no home, no transportation, lost my driver's license because I could not make my insurance payment while in jail, and had to pay to have my cell phone reactivated. I spent Thanksgiving and Christmas in jail, deprived of my freedom, for a false arrest.

If this can happen to me, it could happen to anybody. THIS COULD HAPPEN TO YOU.

## Out of Town Guests Sticking Around?

Historic Tours of America, *The Monroe Storyteller*, has been entertaining and serving guests for over 25 years. Our fully narrated sightseeing tours and attractions offer a glimpse into America's history with colorful, well-researched historical facts and information. Historic Tours of America proudly presents **THE KEY WEST HOMETOWN PASS**.

Whether you're entertaining out of town guests or exploring the island, **KEY WEST RESIDENTS ENJOY FREE ADMISSION\*** at participating tours and attractions every time when accompanied by an adult paid guest. Learn the history, lore, and legend of Key West as you discover the island's role in American history. To get your FREE Hometown Pass, visit any of these attractions: Conch Train, Old Town Trolley Tours, Key West Shipwreck HISTORICAL MUSEUM, Key West Aquarium, Whaler's House, Harry S Truman Little White House, Flight Station Overseas Railroad HISTORICAL MUSEUM.

**Free admission for Monroe County Residents\***

To get your Free Hometown Pass visit our website at [www.HistoricTours.com](http://www.HistoricTours.com)



**ANOTHER JANUARY SPECIAL AT**  
**Finnegan's Wake**  
IRISH PUB & EATERY

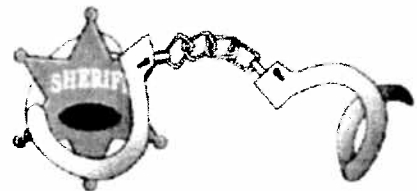
**BIRD IS THE WORD**  
Grilled ostrich filet over romaine with tomatoes, black olives & crumbled feta, served with our balsamic vinaigrette \$18

390 Grinnell St. Key West

**ANOTHER JANUARY SPECIAL AT**  
**Finnegan's Wake**  
IRISH PUB & EATERY

**I'LL HAVE A TOSSER**  
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390 Grinnell St. Key West



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RESIDENT OF MONROE COUNTY

YES X NO

RESIDENT OF FLORIDA

YES X NO

CASE NO.: 08-5778

IN BOOK:

Defendant's Name: Parker Lynn Marie  
(Last) (First) (Middle)Date of Birth: 26<sup>th</sup> June 1948

Place of Birth: Troy New York Local Address: Scars/Tattoos:

Permanente Address 1304 Duval St. Key West FL 33040 Phone: Occ.: General

Soc. Sec. No.: Race: White Sex: Female Eyes: Brn Hair: Brn Ht: 5-05 Wt: 125

Arrest Date: 14<sup>th</sup> November 2008 Time: 0225 Location: 9 Pierce Lane Key West FL  
(Day, Month, Year) (Place of Arrest)Co-Defendant's Name: Taken To County Station:  
(Last) (First) (Middle)

Citation No.: Capias No.: Other:

## OFFENSES CHARGED

In Viol. Of F.S.

Ordinance of Monroe Co., Sec.

1. Camping within the City of Key West 62-4
2. Resisting Arrest W/O Violence 843.02
- 3.
- 4.

HOLD FOR FIRST APPEARANCE HEARING – DO NOT BOND OUT (complete reverse sides of white  
and pink copies for additional witnesses)

## PRELIMINARY HEARING:

Location

Date Set

## WITNESSES AGAINST DEFENDANT:

1. Name: Ofc. J. Politowski Address: 1604 N. Roosevelt Blvd. Phone: 305-809-1111
2. Name: Sgt. S. Brandenburg Address: 1604 N. Roosevelt Blvd. Phone: 305-809-1111
3. Victim: City Of Key West Address: 525 Angela St. Key West FL 33040 Phone: 305-809-1111

Physical Evidence against Defendant:

Arresting Officers: D. Jones Ct. ID # 3008 Dept.: KWPD

Transporting Officers: D. Jones Ct. ID # 3008 Dept.: KWPD

The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that:

On the 14<sup>th</sup> day of November, 2008Parker Lynn Marie  
(Last Name) (First Name) (Initial)

committed the following violation of law:

Narrative: (Be specific) See attached narrative.

Sworn to and subscribed before me,  
the undersigned authority, thisI swear the above statement is correct and true to the  
best of my knowledge and belief.

Ofc. D. Jones

Signature of Officer or Complainant

Dept.: KWPD

Ct. ID Number 3008

14<sup>th</sup> day of November, 2008

Ofc. John J. Della J. Gullio

Judge – Clerk – Notary Public

ID NO.: -77

COURT COPY

STATE ATTORNEY'S COPY

P.S.D. RECORD'S COPY

OFFICER'S COPY

DEFENDANT'S COPY

RESIDENT OF MONROE COUNTY

YES X NO

RESIDENT OF FLORIDA

YES X NO

CASE NO.: 08-5778

IN BOOK: \_\_\_\_\_

Defendant's Name: ParkerLynnMarie

Date of Birth: \_\_\_\_\_

(Last)

(First)

(Middle)

(Day, Month, Year)

On November 14, 2008 at approximately 0140 hours, I (Ofc. D. Jones) responded to 9 Pierce LN in reference to a suspicious vehicle. Upon arrival I noticed a white van bearing Florida Tag L517BA, parked partially in the street across from 9 Pierce LN. I approached the vehicle and noticed a subject lying on the seat in the rear of the van. The interior of the van was cluttered with bedding, food, and personal items. I knocked on the window. The subject, later Identified at Lynn Parker, raised her arms in the air and rolled onto the floor. I knocked a second time and gave Parker loud verbal commands to open the door. Parker did not comply. I continued to knock on the van in several different locations and continued to give loud verbal commands to Parker. Parker would not respond and was not moving. I could only see the top of Parker's head through the front passenger window because of the bedding materials. I called for a Rescue unit to respond and a tow company. I was concerned for Parker's well being and believed she needed medical attention due to her not moving or responding to my commands. Rescue Four and Anchor Towing (Tow Rotation), responded to the scene. The tow truck driver was able to unlock the door. I opened the door of the vehicle and found Parker lying on her side. I touched her arm to wake her. Parker immediately sat up and stated, "What are picking on me for." I told Parker an ambulance was on scene to assist her. Parker stated, "I don't need them, I am fine." I asked Parker to step out of the vehicle and she refused. I grabbed Parkers left arm and assisted her out of the vehicle. Once she was standing up she continued to ask why we were bothering her. Ofc. Politowski asked Parker why she didn't open the door. Parker stated, "I was ignoring you." I told Parker to place her hands behind her back. Parker started to move her hands to the small of her back. As I began handcuffing her she turned around and started pulling away. I gave Parker a verbal command to stop resisting and was able to handcuff her as she was pulling away. Parker continued to pull away from me once handcuffed and was placed in the back of my patrol car. Parker's Vehicle was towed and Parker was transported to the Monroe County Detention Center without incident.

Sworn to and subscribed before me,  
the undersigned authority, this

14 day of November, 2008

*Ofc. D. Jones*  
Judge - Clerk - Notary Public

I swear the above statement is correct and true to the  
best of my knowledge and belief.

Ofc. D. Jones

Signature of Officer of Complainant

Dept. KWPD

Ct. ID Number 3008

ID NO.: -77

COURT COPY

STATE ATTORNEY'S COPY

P.S.D. RECORD'S COPY

OFFICER'S COPY

DEFENDANT'S COPY

# Key West Police Department

## Incident Report

Report 11/14/2008 02:45

Case # 01-08-005778

<b>I N C I D E N T</b>	<b>Case #</b>	<b>Report</b>	<b>Occurred From</b>	<b>Occurred To</b>	<b>Report Type</b>
	01-08-005778	11/14/2008 02:45	11/14/2008 01:40	11/14/2008 02:30	Original
	<b>Dept. Classification</b>		<b>Case Status</b>	<b>Case Status Date</b>	<b>Cleared</b>
	Suspicious Vehicle		Cleared by Arrest	11/14/2008	11/14/2008 03:30
	<b>Common Name</b>				
	9 PIERCE KEYWEST, FL 33040 (MONROE County)				
Day of Week : Friday Dispatched : 11/14/2008 01:41 Arrived : 11/14/2008 01:44 Map Reference : 1123XX6XO Location Type : Highway/Roadway Beat Assignment : BEAT 3			Beat Assignment : BEAT 3 Alcohol Related : No Drug Related : No Total Damaged Property Value : \$0.00 Total Stolen Property Value : \$0.00 Total Recovered Property Value : \$0.00		

<b>P E R S O N  1</b>	<b>Person Type</b>	<b>Business/Person Name</b>			<b>Business Phone</b>
	SUSPECT/ARRESTEE	Lynn Marie Parker			
	<b>Home Phone</b>	<b>Person Address</b>			
		1304 Duval St Key West FL 33040			
	<b>Other Phone</b>	<b>Employer Address</b>			
	<b>Race</b>	<b>Sex</b>	<b>SSN</b>	<b>DL Exp. Date</b>	<b>DL Number</b>
	WHITE	Female	[REDACTED]	06/26/2013	[REDACTED]
	<b>Birth Date</b>	<b>Birth Place</b>			
	06/26/1948	Troy, NY, United States			
Age : 60 Occupation : Unemployed DL State : FL DL Country : United States Ethnic Origin : Non-hispanic Min. Height : 5'04" Max. Height : 5'08" Min. Weight : 125 lbs Max. Weight : 155 lbs Adult/Juvenile : ADULT Victim Type : Government Shirt : Grey Pants : Jean			Shoes : Brown Hair Color : Brown Hair Length : Short Hair Style : AFRO/NATURAL Teeth : DIRTY Eye Color : Brown Build : LIGHT Complexion : DARK Status : Arrestee Speech : LOUD Residency Type : City Residency Status : Full year Citizenship : United States		
End of Person: 1					

<b>V E H I C L E  1</b>	<b>Tag #</b>	<b>Tag Expiration</b>	<b>Year</b>	<b>Make</b>	<b>Model</b>	<b>Vehicle Style</b>
	L517BA	06/26/2009	1990	CHEVROLET		Van
	<b>Tag Country</b>		<b>Tag State</b>	<b>Vehicle Type</b>	<b>VIN</b>	<b>Category</b>
	United States		FL	Auto	1GBEG25K4L7145405	
	Top Color : WHITE Bottom Color : WHITE Vehicle Features : NOT USED AT THIS TIME Permit/Decal # : 10081492			Vehicle Disposition : TOWED BY P.D. Insured : Unknown Keys in Vehicle : Yes Vehicle Locked : Yes		
End of Vehicle: 1						

<b>Reporting Officer</b> DANIEL THOMAS JONES (3008)	<b>Department</b> KEY WEST POLICE DEPARTMENT	<b>Report Status:</b> Approved
<b>Officer Name</b>		<b>Date/Time</b>
<b>Verifying Officer</b> SGT SEAN TYER BRANDENBURG (2604)		<b>Date / Time</b> 11/14/2008 04:54

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1

Topic

Original

On November 14, 2008 at approximately 0140 hours, I (Ofc. D. Jones) responded to 9 Pierce LN in reference to a suspicious vehicle. Upon arrival I noticed a white van bearing Florida Tag L517BA, parked partially in the street across from 9 Pierce LN. I approached the vehicle and noticed a subject lying on the seat in the rear of the van. The interior of the van was cluttered with bedding, food, and personal items. I knocked on the window. The subject, later identified as Lynn Parker, raised her arms in the air and rolled onto the floor. I knocked a second time and gave Parker loud verbal commands to open the door. Parker did not comply. I continued to knock on the van in several different locations and continued to give loud verbal commands to Parker. Parker would not respond and was not moving. I could only see the top of Parker's head through the front passenger window because of the bedding materials. I called for a Rescue unit to respond and a tow company. I was concerned for Parker's well being and believed she needed medical attention due to her not moving or responding to my commands. Rescue Four and Anchor Towing (Tow Rotation), responded to the scene. The tow truck driver was able to unlock the door. I opened the door of the vehicle and found Parker lying on her side. I touched her arm to wake her. Parker immediately sat up and stated, "What are picking on me for." I told Parker an ambulance was on scene to assist her. Parker stated, "I don't need them, I am fine." I asked Parker to step out of the vehicle and she refused. I grabbed Parker's left arm and assisted her out of the vehicle. Once she was standing up she continued to ask why we were bothering her. Ofc. Politowski asked Parker why she didn't open the door. Parker stated, "I was ignoring you." I told Parker to place her hands behind her back. Parker started to move her hands to the small of her back. As I began handcuffing her she turned around and started pulling away. I gave Parker a verbal command to stop resisting and was able to handcuff her as she was pulling away. Parker continued to pull away from me once handcuffed and was placed in the back of my patrol car. Parker's Vehicle was towed and Parker was transported to the Monroe County Detention Center without incident.

End of Narrative: 1

Reporting Officer DANIEL THOMAS JONES (3008)	Department KEY WEST POLICE DEPARTMENT	Report Status: Approved
Officer Name		Date/Time
Verifying Officer SGT SEAN TYER BRANDENBURG (2604)	Department KEY WEST POLICE DEPARTMENT	Date / Time 11/14/2008 04:54

# 2

Photographs Provided by Complainant



LEFT RAM

020741084-02

1755 7878

11-19-08

for

LYNN PARKER





11-19-88

~~TOP~~

LYNN PRAUER

020741084-02

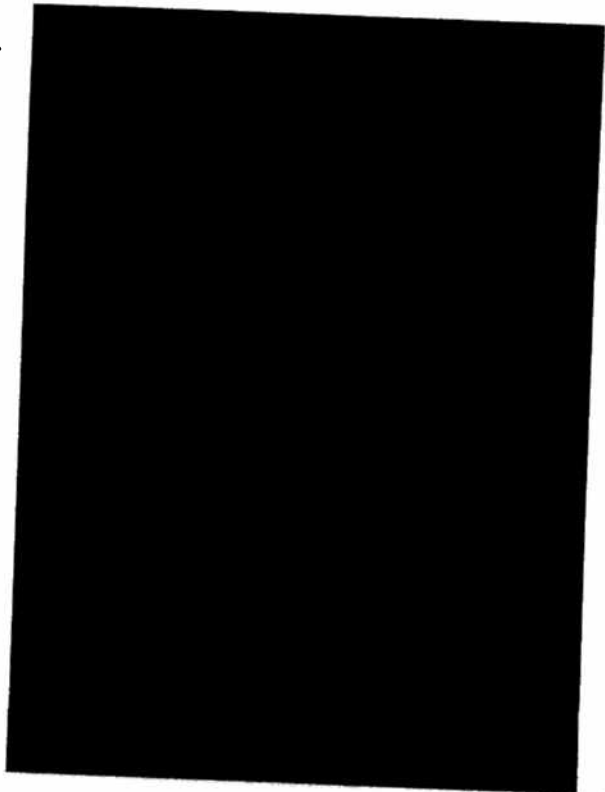
1755 7879

Right REM



11-09-08  
108  
LYNN PRICKER

020741084-02  
1755 7877



3

**Donald J. Lee, Jr.**  
**Chief of Police**



**Key West**  
**POLICE DEPARTMENT**

March 11, 2009

Lynn Parker  
Streets of Key West  
Key West, FL 33040

Ms. Parker,

I received the complaint you filed with the Citizen Review Board and conducted an initial review. During that review I spoke with the State Attorney's Office and three independent witnesses. The results of the initial review are summarized in a brief addressed to the CRB and yourself (Please see attached).

The matter is now **CLOSED** and no further action will be taken in regards to this complaint. Please feel free to contact me with any questions.

Sincerely,

Inspector Randy Smith  
Office of Internal Affairs  
Key West Police Department

Cc: File



**RESPECT - INTEGRITY - FAIRNESS**

Key West Police Department 1604 N. Roosevelt Blvd. Key West, FL 33040 (305) 809-1111  
[www.keywestcity.com](http://www.keywestcity.com)



**Donald J. Lee, Jr.**

**Chief of Police**



**Key West**

**POLICE DEPARTMENT**

**TO:** Citizen Review Board

**FROM:** Inspector Randy Smith, Office of Internal Affairs *RS*

**DATE:** March 11, 2009

**RE:** Lynn Parker Complaint

On March 4, 2009, I conducted an initial evaluation of Lynn Parker's complaint. In her complaint Parker references a Key West the News article which she "confirms is true", I used this article in conjunction with her statement to the CRB as her statement regarding this matter. I contacted the independent witnesses to establish if there was merit to Parker's complaint of excessive force. To clarify the second part of her complaint regarding false arrest, I contacted the State's Attorney Office to see why the charges were dropped.

On March 4, 2009, I spoke with Assistant State's Attorney Adam Gersten who was the assigned attorney to Lynn Parker's case. ASA Gersten explained the charges were not dropped due to any wrong doing by the officers or lack of evidence. ASA Gersten stated they had offered Parker a plea and she did not except, which is her right. Parker stated she wanted a trial; however ASA Gersten explained it would be several months before this could be accomplished. He explained approximately 45 days after Parker's arrest he opted to drop the charges as he felt, "The ends of justice had been met." He explained Parker had spent 45 days in jail and ultimately if found guilty would probably only receive timed served. Throughout the conversation ASA Gersten was adamant that the officers did not falsely arrest Parker, that there was probable cause for her arrest. ASA Gersten stated, "After reading her statement in the paper (same article Parker references), her statements amount to nothing short of a detailed admissions as to how she obstructed the officers."

On March 4, 2009, I spoke with John Roberts of Anchor Towing who responded the night of Parker's incident to unlock the vehicle. Roberts stated he recalled the incident and was called to unlock the vehicle due to a suspected medical problem. He stated upon getting the vehicle opened he recalled Parker stating, "I'm fine, leave me alone." He stated he was witness to the officers having Parker exit the vehicle and speaking with her. He stated Parker was reaching for an unknown object in the vehicle and was told not to reach into the vehicle by officers. Parker then disobeyed their commands and reached into the vehicle. He stated the officers placed her in custody at that time. I asked if he felt the officers used excessive force and he stated they did not. Roberts stated, "She (Parker) was resistive from the get go."

On March 5, 2009, I spoke with Jim Olean of Key West Rescue who was one of the responding units the night of Parker's incident. Olean stated he and Mike Brockner both of Key West Rescue were dispatched to the scene reference a possible medical emergency.



**RESPECT - INTEGRITY - FAIRNESS**

Key West Police Department 1604 N. Roosevelt Blvd. Key West, FL 33040 (305) 809-1111  
[www.keywestcity.com](http://www.keywestcity.com)



**Donald J. Lee, Jr.**

**Chief of Police**



**Key West**

**POLICE DEPARTMENT**

Upon arriving on scene Olean stated they observed Parker in her locked van and believed there was some kind of medical emergency. Olean stated they even discussed breaking a window to gain entry to the van out of concern for Parker. Olean stated after the tow company was able to gain entry Parker was immediately belligerent toward them and police. Olean stated she quickly said she did not need medical attention and asked to be left alone. Olean stated she only became more belligerent as she dealt with the police officers. Olean went on to say he felt, "The officers used great restraint in dealing with her (Parker)." I asked if at anytime he observed any type of inappropriate behavior by the officers, he stated he did not. I then asked if he observed the officers use any type of excessive force and he stated, "Certainly not."

On March 10, 2009, I spoke with Michael Brockner of Key West Rescue who was the other EMT that was dispatched the night of Parker's incident. Brockner had his report as he spoke with me and referred to it as well as his memory of the events. Brockner explained he recalled arriving and banging on the windows with the officers on scene and identifying themselves as rescue and police as they did so. Brockner stated there was no movement or response from Parker. Brockner stated he believed he was on scene for approximately fifteen minutes prior to the locksmith, Roberts of Anchor Towing, arriving and unlocking the vehicle. Brockner stated they could have broken her window but opted to wait for the locksmith. Brockner stated upon the door being opened they found Parker was not in any type of medical emergency and was simply not responding to their or the officers request. I asked Brockner if he was present and observed Parker being placed into custody. Brockner stated he was and that he recalled Parker being uncooperative. I asked if he felt the officers used excessive force and Brockner stated absolutely not. He went onto say that the officers exercised a great deal of patience with Parker.

### **Conclusion**

To come to a conclusion on this matter I have reviewed all paperwork regarding the arrest, taken statements from three independent witnesses, spoke with the State's Attorney's Office and read all paperwork provided by Parker and the CRB. I find that there was not a false arrest; this is confirmed by the State's Attorney's Office. It is my opinion that Parker is under the assumption that because the charges were dropped she was falsely arrested and this is not the case. In addition it appears Parker is under the assumption she was arrested for resisting arrest based on her car door being locked, which is also not the case. The reason for her arrest was her choice to disobey lawful commands given by a Sworn Law Enforcement Officer in the execution of his legal duties. As to the use of excessive force, all three independent witnesses had very similar statements. They all stated Parker was belligerent and disobeyed the officer's orders. Further it was stated the officers used "great restraint" in dealing with her. Parker was not only belligerent but also became resistive upon being placed into custody. When specifically asked about excessive force all the witnesses were clear there was never any type of excessive force used. This concludes the summary review and no further action will be taken in regards to this complaint. This matter is now **CLOSED**.



**RESPECT - INTEGRITY - FAIRNESS**

Key West Police Department 1604 N. Roosevelt Blvd. Key West, FL 33040 (305) 809-1111  
[www.keywestcity.com](http://www.keywestcity.com)



4

4

.



TO I WROTE THIS THE DAY I REC'D YOUR letter. (FRI 3/27)  
SO DIDN'T MAIL IT. OVER →

CRB % Steven Muffler,

I'M WRITING TO INFORM YOU THAT I AM IN  
JAIL, IF YOU HAVE ANY INFO REGARDING MY  
CRB COMPLAINT AGAINST OFFICER JONES?  
I AM WRITING THIS WITH MY LEFT HAND -  
I AM RIGHT HANDED BUT MY RIGHT ARM WAS  
BROKEN WHEN I WAS ATTACKED.

Please let me know.

Thank You,

Lynn M. Parker

LYNN M. PARKER  
5501 COLLEGE RD. D-23  
KEY WEST, FL 33040

OVER →

Re-IA FINDINGS!

What A CROCK OF LIES!

I have plenty to respond, but left hand can't write it all. Please can you come and record my reply.

I continue to try to call, but PHONES ARE NOT WORKING TODAY IN JAIL, ON MONDAY 3/30/09.

THIS ARREST IS DIRECTLY RELATED TO PRIOR ARREST IN SRB COMPLAINT.

THANK YOU  
Lynn M. Parker

Citizen Review Board (I don't have  
in clu Stephen Muttler attached info  
as in story!?)

### Here's my Story:

After 24 years in Key West, I have become homeless. I bit off more than I could chew on my last business venture, but sold controlling interest of the business and my stock holders are safe. My downfall started with Hurricane Wilma with five feet of water in my office and living quarters. I lost all my equipment, furnishings, a three-wheel Cushman scooter for my business and a Honda scooter, too. I had to move so the landlord could repair my place and basically started over. It was a struggle I eventually lost. I also had two operations and recovery was slow. Eventually, I was evicted and began staying here and there with friends until I wore out my welcomes and scraped together enough money from friends to buy a Van, insurance, & plates to be all legal. At last I had a place to call home! I parked on different streets & was hassled to move a couple of times. Finally, a friend

told me to park on this street lane and his friend was going to let me park in their driveway beginning on the weekend. My three friends chipped in \$150.00 to pay my insurance payment and make photo copies of my second book so I could sell them to have an income.

On Thursday November 8<sup>th</sup>, 2008 after getting away from three drunk men who wanted to party, I got to my van shortly after. Within ten minutes or so, men were yelling to come out & peeing on my van. They yelled "Police!", but I wasn't doing anything wrong & thought it was the three drunk men trying to harass me.

(see newspaper article that I wrote for "Key West the Newspaper"; attached)

So,..... NO VAN! It was totaled and I wore out my welcome, even with friends to stay with.

Finally on March 13<sup>th</sup>, 2009 (Friday the 13<sup>th</sup>!) my friends moved my five storage boxes to another friends car port on United Street where they would be safe. My bedding was there, too, so I was going to sleep in the car port that night for the first time

in a new place that would be safe for me.

On my way there, I was attacked by a man who said he wanted to "F\_\_k me." He pushed me down onto some rocky driveway face first. My face was bleeding horribly and I had braced myself in the fall with my right arm that was in so much pain. I felt my face as he turned me over & got on top of me. I pushed on his chest with my bloody hand & he ran away.

I called 911 & police arrived at the scene, called an ambulance and took me to the hospital and took my report. My face was a bloody mess, my right arm was broken at the wrist in two places, and my left knee bruised and scraped.

(see police report and pictures 3/13/05)

I was given a pain pill @ the hospital, a pain pill for later and a prescription.

A cab was called for me and took me to Duval and Kathryn Streets where I was hoping to stay with friends who lived close to there. They were not home so I went to a bar and was such a mess that people bought me beers and shots and

I took the second pain pill. I was cussing!  
 A guy asked me what kind of pills I was  
 present and I showed him my script.  
 He said he would pay for the prescription  
 if I would give him some of the pills. I  
 left the bar and went to CVS pharmacy to  
 find out the price. It was \$1.00 and not  
 used to pills and all the alcohol, the pain  
 and the shock of the attack and not having  
 a safe place to sleep I was scared and  
 in a stupid split second I needed to  
 go to jail. So in my stupor I stuck my  
 head in my canvas shoulder bag & pretended  
 to have a gun. My right arm was in a  
 sling & my face was road-rashed and bloody.  
 (see attached Police report 1 MW 3/14/09)

My conclusion! On December 29th, 2008  
 in court for the first jail time with the Uon  
 ..... If the Judge, Public Defender and  
 State Attorney had given me my Uon back  
 as promised, I would of had a safe place  
 to stay in my friend's driveway, and would have  
 gotten my life back together. The attack & having  
 to desperate to be in a safe place, plus the pills  
 and alcohol made me make a stupid spur

of the moment decision. I wish I had just shop-lifted something instead so I could go to jail where I am safe.

The robbery charge is a maximum 15yr. sentence.

### Response to IA Investigation

1<sup>st</sup>: On Dec. 29<sup>th</sup>, 2008, Judge Fowler, Public Defender Michelle Perez and a male attorney from the Prosecutor's Office all apologized to me and said they would give me my van back which was towed when arrested for illegal camping in a motor vehicle and resisting arrest without violence on Nov. 8<sup>th</sup>, 2008. I was sent to legal services who said they couldn't help, but gave me paperwork to sue the city for wrongful arrest. As per IA investigation the Prosecutor was Adam Gersten and his statement to IA is not at all like what happened at the Dec. 29<sup>th</sup>, 2008 Court room proceedings.

2<sup>nd</sup>: In IA Report according to John Roberts of Archer Towing he was called to unlock the van due to a "suspected" medical problem." When the door was unlocked I was crunched on the floor on my hands and knees

and immediately raised my hands in the air and said "Why are you picking on me? I didn't do anything!" The officer then yelled "Now you're getting resisting arrest, too!!" He grabbed me by the arms and yanked me viciously out of the van and barely saved my face from hitting the pavement by pulling my arm and hurting my shoulder. (Please refer to the pictures of my arms.) John Roberts said I was "resisting" "from the get-go." I hid because I thought it was the "drunk" guys. Why did the police come after me? I was immediately handcuffed and thrown into the police car hurting really bad.

3rd: Re: Jim O'Leary with Kay West Rescue and his statement to IA. I did just want to be left alone! Why were the police bothering me? What did I do to have the police there in the first place when I wasn't doing anything illegal?

Re: Conclusion of Randy Smith - Cit the Dec. 29, 2008, everyone including the Judge, Public Defender and Assistant State Attorney apologized for my arrest and told me I would get my Van back. Does anyone ever win a complaint to CRB? I would say NO!!



BUT, A PICTURE IS WORTH  
A THOUSAND WORDS! SO  
EXPLAIN MY BEUISED ARMS!

Due to my arm being broken on the attempted  
rape of me on March 13, 2009 and my  
subsequent arrest, another inmate is  
helping me write this.

Sincerely,  
Lynn M. Parker

P.S. If only they had just given me my  
VCR back.....

5



# M.C.S.O. Arrest Search Results by Name

As of Wednesday, April 08, 2009 at 11:48



Remember: The person or people shown on these pages have been arrested, but **have NOT been found guilty in a court of law.**

For case dispositions, and for detailed information on criminal and civil court cases, visit the Monroe County Clerk of the Courts web site.

For information on court dates and judges calendars, visit the 16th Judicial State Courts web site.

Please note that this information is inclusive from January 1, 2001.



**PARKER, LYNN MARIE**

DoB:06/26/1948 Age:53 Sex:F Race:W

Arrest Date: 05/27/2002 CAD #: Arrest #: MCSO02ARR005104 Offense #:  
**KWPD-026008**  
Address:  
**1302 DUVAL ST, ,**  
Occupation:  
**MCSO00MNI021533 in NONE**  
Arrest Location: **SIMONTON AND SOUTH ,**  
Charges:  
**1 Misdemeanor Count(s) of 843.02.**

**RESIST OFFICER - OBSTRUCT WO VIOLENCE**

Officer/Agency: - Bond Amount: \$0

Arrest Date: **11/14/2008** CAD #: Arrest #: **MCSO08ARR007855** Offense #:  
**KWPD08OFF5778**

Address:

**1302 DUVAL ST, ,**

Occupation:

**MCSO00MNI021533 in NONE**Arrest Location: **PIERCE LANE KEY WEST, 9**

Charges:

**1 Unknown** Count(s) of **843.02****RESISTING W/OUT VIOLENCE****1 Unknown** Count(s) of **999999**Officer/Agency: **KWPD - KWPD** Bond Amount: \$0Arrest Date: **03/14/2009** CAD #: Arrest #: **MCSO09ARR001761** Offense #:  
**KWPD09OFF1408**

Address:

**1302 DUVAL ST, ,**

Occupation:

**MCSO00MNI021533 in NONE**Arrest Location: **SIMONTON/ VIRGINIA ST KEY WEST,**

Charges:

**1 Felony** Count(s) of **812.014.2c1****THEFT IS 300 OR MORE BUT LESS THAN 5000 DOLS****1 Felony** Count(s) of **812.13.1****ROBBERY**Officer/Agency: **KWPD - KWPD** Bond Amount: \$0

## Traffic/Criminal Case Detail Information

<b>Defendant Name</b> Parker, Lynn Marie	<b>Date of Birth</b> 6/26/1948
<b>Case Number</b> MMK082823	<b>Uniform Case Number</b> 442008MM002823000AKW
<b>Defense Attorney</b> Defender, Public	<b>Judge</b> Miller, Wayne

### Scheduled Court Appearances

Date	Time	Location/Court Room	Description
12/1/2008	1/1/1900 9:00:00 AM		ARRAIGNMENT
12/29/2008	1/1/1900 2:00:00 PM		DOCKET SOUNDING

### Charges

Offense Date	Statute Code	Statute Description	Date	Disposition
11/14/2008	843.02	RESIST OFFICER - OBSTRUCT WO VIOLENCE	12/29/2008	Nolle Prossed
11/14/2008	843.02	RESIST OFFICER - OBSTRUCT WO VIOLENCE	12/29/2008	Nolle Prossed

### Docket Information

Date	Time	Description	Text
12/29/2008		COURT MINUTES *	
12/5/2008		Answer to Discovery Notice, Demand for Reciprocal Discovery	
12/2/2008		NOTICE *	
12/1/2008		WRITTEN PLEA OF NOT GUILTY	
12/1/2008		COURT MINUTES *	
11/26/2008		INFORMATION	
11/17/2008		Affidavit of Indigence Status Misdemeanor	pd appt
11/17/2008		FIRST APPEARANCE FORM	
11/17/2008		ARREST FORM	
11/17/2008		NOTICE *	

## Traffic/Criminal Case Detail Information

Defendant Name	Date of Birth
Parker, Lynn Marie	6/26/1948
Case Number	Uniform Case Number
CFK09234	442009CF000234000AKW
Defense Attorney	Judge
Defender, Public	Jones, Mark

### Scheduled Court Appearances

Date	Time	Location/Court Room	Description
3/26/2009	1/1/1900 8:45:00 AM	KW COURTROOM B	CF - ARRAIGNMENT
4/30/2009	1/1/1900 10:00:00 AM	KW COURTROOM B	CF - PRETRIAL / CRIMINAL
6/8/2009	1/1/1900 8:45:00 AM	KW COURTROOM B	CF - TRIAL / FELONY

### Charges

Offense Date	Statute Code	Statute Description	Date	Disposition
3/14/2009	812.13 2c	ROBBERY - NO FIREARM OR WEAPON		Filed
3/14/2009	812.014(2)(A) (3)(B)	CCOMMIT GRAND THEFT DAMAGES OVER 1000 DOLS		No Action Taken By State

### Docket Information

Date	Time	Description	Text
4/1/2009		Supplemental Discovery Response	
3/26/2009		Pretrial Order	
3/26/2009		WRITTEN PLEA OF NOT GUILTY	AND DEMAND FOR JURY TRIAL AND NOTICE OF DISCOVERY
3/26/2009		Arraignment Court Minutes	
3/25/2009		Discovery Exhibit	
3/25/2009		Warrant Information Form	
3/25/2009		INFORMATION	
3/17/2009		STATEMENT FORM *	M. Barton
3/17/2009		STATEMENT FORM *	N. Berga
3/17/2009		Affidavit of Indigence Status Felony	
3/17/2009		NOTICE OF ARRAIGNMENT FILED	
3/17/2009		FIRST APPEARANCE FORM	







3/17/2009

ARREST FORM



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Close Window

	PARKER, LYNN A	10/24/1961	TRM992748	4/21/1999	4/21/1999	UNLAWFUL SPEED/SPEED INDICATED	5/17/1999	Voluntary Payment
	PARKER, LYNN MARIE	6/26/1948	MMK9432000	8/25/1994	8/25/1994	OPERATE MV/MH WITH EXP TAG MT6M 1ST OFF	9/14/1994	Def Sent/Guilty - Non Jury Trial/Adj WH
	PARKER, LYNN MARIE	6/26/1994	MMK9432001	8/25/1994	8/25/1994	ATTACH REGISTRATION LICENSE PLATE NOT ASSIGNED		Nolle Prossed
	PARKER, LYNN MARIE	6/26/1948	MMK021562	5/27/2002	6/20/2002	RESIST OR OBSTRUCT OFFICER WITHOUT VIOLENCE	6/24/2002	Def Sent/Guilty - Non Jury Trial/Adj WH
	Parker, Lynn Marie	6/26/1948	MMK082823	11/14/2008	11/17/2008	RESIST OFFICER - OBSTRUCT WO VIOLENCE	12/29/2008	Nolle Prossed
	Parker, Lynn Marie	6/26/1948	CFK09234	3/14/2009	3/17/2009	ROBBERY - NO FIREARM OR WEAPON		Filed



6

CITY OF KEY WEST

Citizen Review Board

P.O. Box 1946

Key West, FL 33041

Ph: (305) 809-3887

Fax: (305) 293-9827

March 3, 2009

VIA REGULAR US MAIL

Ms. Lynn Parker  
Via Mail Spot: #213  
1075 Duval Square  
Key West, FL 33040

Re: CRB Complaint #09-004

Dear Ms. Parker:

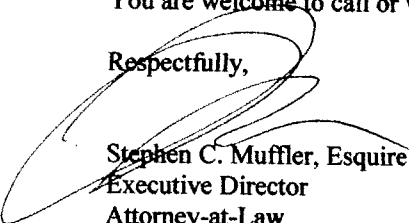
This letter shall confirm receipt of your complaint against officer Daniel Jones. As per the Board's standard operating procedures, your complaint has been forwarded to the Key West Police Internal Affairs Department (IA) for investigation. At this time, the Board will await IA's findings and conclusions. The Board will consider the matter thereafter if you are not satisfied with IA's handling of the complaint. The Board reserves its rights to investigate the matter at any time if appropriate under the circumstances and in accordance with the City's Charter and Florida law.

Please note that all documents and communications received by this office are considered public records. You will be updated periodically by this office during material stages of the aforementioned processes. Please make sure that this office is updated at all times of any change to your contact information or mailing address.

The Board appreciates the time you have taken to lodge this complaint. If you change your mailing address, please send in written notice to this office so our files can reflect the same.

You are welcome to call or write us with any questions you may have.

Respectfully,



Stephen C. Muffler, Esquire  
Executive Director  
Attorney-at-Law

CITY OF KEY WEST

Citizen Review Board

P.O. Box 1946

Key West, FL 33041

Ph: (305) 809-3887

Fax: (305) 293-9827

March 24, 2009

VIA REGULAR US MAIL

Ms. Lynn Parker  
Via Mail Spot: #213  
1075 Duval Square  
Key West, FL 33040

Ms. Lynn Parker  
Inmate #MCSO00MNI021533  
Monroe County Detention Center - Unit #D  
5501 College Road  
Key West, FL 33040

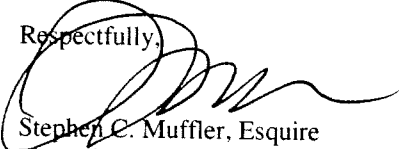
Re: **CRB Complaint #09-004**

Dear Ms. Parker:

Enclosed please find Key West Police Department's Internal Affairs' (IA's) findings relative to your above referenced complaint. Please be advised that one or more Board members and/or the Executive Director of the Citizen Review Board (CRB) has placed the above referenced matter on the Agenda for the April 13, 2009 meeting at Old City Hall starting at 6:00 p.m. It would helpful if you and/or your representative could attend this meeting to help the Board reach a fair and just recommendation. If you cannot attend, you can write back to this office and address any issues you wish to bring to the Board's attention relative to this matter or IA's completed investigation. Please also advise this office of any further evidence that would support your claims of unprofessional conduct by the subject officer(s) mentioned in your complaint.

The Board appreciates the time you have taken to lodge this complaint and looks forward to your input during its upcoming meeting.

Respectfully,



Stephen C. Muffler, Esquire  
Executive Director  
Attorney-at-Law

**Donald J. Lee, Jr.**

**Chief of Police**



**Key West**

**POLICE DEPARTMENT**

**TO:** Citizen Review Board

**FROM:** Inspector Randy Smith, Office of Internal Affairs *RS*

**DATE:** March 11, 2009

**RE:** Lynn Parker Complaint

On March 4, 2009, I conducted an initial evaluation of Lynn Parker's complaint. In her complaint Parker references a Key West the News article which she "confirms is true", I used this article in conjunction with her statement to the CRB as her statement regarding this matter. I contacted the independent witnesses to establish if there was merit to Parker's complaint of excessive force. To clarify the second part of her complaint regarding false arrest, I contacted the State's Attorney Office to see why the charges were dropped.

On March 4, 2009, I spoke with Assistant State's Attorney Adam Gersten who was the assigned attorney to Lynn Parker's case. ASA Gersten explained the charges were not dropped due to any wrong doing by the officers or lack of evidence. ASA Gersten stated they had offered Parker a plea and she did not except, which is her right. Parker stated she wanted a trial; however ASA Gersten explained it would be several months before this could be accomplished. He explained approximately 45 days after Parker's arrest he opted to drop the charges as he felt, "The ends of justice had been met." He explained Parker had spent 45 days in jail and ultimately if found guilty would probably only receive timed served. Throughout the conversation ASA Gersten was adamant that the officers did not falsely arrest Parker, that there was probable cause for her arrest. ASA Gersten stated, "After reading her statement in the paper (same article Parker references), her statements amount to nothing short of a detailed admissions as to how she obstructed the officers."

On March 4, 2009, I spoke with John Roberts of Anchor Towing who responded the night of Parker's incident to unlock the vehicle. Roberts stated he recalled the incident and was called to unlock the vehicle due to a suspected medical problem. He stated upon getting the vehicle opened he recalled Parker stating, "I'm fine, leave me alone." He stated he was witness to the officers having Parker exit the vehicle and speaking with her. He stated Parker was reaching for an unknown object in the vehicle and was told not to reach into the vehicle by officers. Parker then disobeyed their commands and reached into the vehicle. He stated the officers placed her in custody at that time. I asked if he felt the officers used excessive force and he stated they did not. Roberts stated, "She (Parker) was resistive from the get go."

On March 5, 2009, I spoke with Jim Olean of Key West Rescue who was one of the responding units the night of Parker's incident. Olean stated he and Mike Brockner both of Key West Rescue were dispatched to the scene reference a possible medical emergency.



**RESPECT - INTEGRITY - FAIRNESS**

Key West Police Department 1604 N. Roosevelt Blvd. Key West, FL 33040 (305) 809-1111  
[www.keywestcity.com](http://www.keywestcity.com)



**Donald J. Lee, Jr.**

**Chief of Police**



**Key West**

**POLICE DEPARTMENT**

Upon arriving on scene Olean stated they observed Parker in her locked van and believed there was some kind of medical emergency. Olean stated they even discussed breaking a window to gain entry to the van out of concern for Parker. Olean stated after the tow company was able to gain entry Parker was immediately belligerent toward them and police. Olean stated she quickly said she did not need medical attention and asked to be left alone. Olean stated she only became more belligerent as she dealt with the police officers. Olean went on to say he felt, "The officers used great restraint in dealing with her (Parker)." I asked if at anytime he observed any type of inappropriate behavior by the officers, he stated he did not. I then asked if he observed the officers use any type of excessive force and he stated, "Certainly not."

On March 10, 2009, I spoke with Michael Brockner of Key West Rescue who was the other EMT that was dispatched the night of Parker's incident. Brockner had his report as he spoke with me and referred to it as well as his memory of the events. Brockner explained he recalled arriving and banging on the windows with the officers on scene and identifying themselves as rescue and police as they did so. Brockner stated there was no movement or response from Parker. Brockner stated he believed he was on scene for approximately fifteen minutes prior to the locksmith, Roberts of Anchor Towing, arriving and unlocking the vehicle. Brockner stated they could have broken her window but opted to wait for the locksmith. Brockner stated upon the door being opened they found Parker was not in any type of medical emergency and was simply not responding to their or the officers request. I asked Brockner if he was present and observed Parker being placed into custody. Brockner stated he was and that he recalled Parker being uncooperative. I asked if he felt the officers used excessive force and Brockner stated absolutely not. He went onto say that the officers exercised a great deal of patience with Parker.

### **Conclusion**

To come to a conclusion on this matter I have reviewed all paperwork regarding the arrest, taken statements from three independent witnesses, spoke with the State's Attorney's Office and read all paperwork provided by Parker and the CRB. I find that there was not a false arrest; this is confirmed by the State's Attorney's Office. It is my opinion that Parker is under the assumption that because the charges were dropped she was falsely arrested and this is not the case. In addition it appears Parker is under the assumption she was arrested for resisting arrest based on her car door being locked, which is also not the case. The reason for her arrest was her choice to disobey lawful commands given by a Sworn Law Enforcement Officer in the execution of his legal duties. As to the use of excessive force, all three independent witnesses had very similar statements. They all stated Parker was belligerent and disobeyed the officer's orders. Further it was stated the officers used "great restraint" in dealing with her. Parker was not only belligerent but also became resistive upon being placed into custody. When specifically asked about excessive force all the witnesses were clear there was never any type of excessive force used. This concludes the summary review and no further action will be taken in regards to this complaint. This matter is now **CLOSED**.



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Citizen's Review Board  
City of Key West Florida  
Executive Director's Memo

TO: Officer Daniel Jones

FROM: Stephen Muffler, Esquire

DATE: 3/25/09

RE: CRB Complaint #09-004/Parker

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Attached please find a copy of the proposed Agenda for the CRB meeting to be held at 6:00 p.m. at the Old City Hall on April 13, 2009. One or more of the Board Members and/or the Executive Director as placed the above referenced file on the Agenda for discussion. You are a respondent in this file and are invited to attend this meeting to help clarify the matter to the Board members. You are under no obligation to attend nor speak to the Board, but your input on the matter would be carefully weighed and would assist the Board in reaching a fair and just recommendation. You may attend personally, via a union representative or through legal counsel. Materials on this file may be viewable via the CRB website approximately one week prior to the meeting.

## **(DRAFT) AGENDA**

Citizen Review Board Meeting  
Old City Hall, 510 Greene Street

**Monday, April 13, 2009**  
**6:00 p.m.**

1. CALL THE MEETING TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF MINUTES:
  - a. March 23, 2009
5. TRACKING CHART REVIEW
6. CONTINUED OR NEW BUSINESS
  - a. File Review: Lynn Parker CRB #09-004
  - b. TBA
  - c. TBA
7. COUNSEL'S REPORT  
  
TBA
8. CHAIRMAN'S REPORT
9. BOARD MEMBERS REPORT/GENERAL COMMENTS
10. EXECUTIVE DIRECTOR'S REPORT  
  
TBA
11. PSO/IA COMMENTS/FOLLOW-UP
12. PUBLIC INPUT
13. MEDIA AND PRESS QUESTIONS
14. ADJOURNMENT



Citizen Review Board  
City of Key West Florida  
Executive Director's Memo

TO: Lt. David Smith  
FROM: Stephen Muffler, Esquire  
DATE: 3/25/09  
RE: CRB Agenda for 04/13/09

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Attached please find the draft of the agenda for the above referenced CRB meeting. Also enclosed please find the respondent officers' notice. **Would you please forward this notice to the individual officer so that he is aware of this upcoming meeting?** It would be desirable for a representative from your office attend this meeting to help address the Board's specific questions on any files or procedures. Please note that all of the Board materials are now available for yourself or the respondent officer's to view on the CRB website approximately one (1) week in advance of the meeting date.

**PLEASE SEND ME THIS OFFICERS' PRIOR DISCIPLINARY HISTORY AND COMMENDATIONS (LIST OF THEM BY SOME KIND OF SUMMARY) PER THE KWPD & IA WORKING AGREEMENT. THESE ARE PUBLIC RECORDS AND THE BOARD PREFERS THEM TO BE PART OF THESE FILE REVIEWS. THANKS.**



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Citizen's Review Board  
City of Key West Florida  
Executive Director's Memo

TO: Officer Daniel Jones

FROM: Stephen Muffler, Esquire

DATE: 3/25/09

RE: CRB Complaint #09-004/Parker

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## Citizens Review Board

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**From:** Citizens Review Board  
**Sent:** Wednesday, March 25, 2009 1:40 PM  
**To:** Daniel Jones  
**Cc:** Citizens Review Board  
**Subject:** CRB Meeting Notice Attached

**Attachments:** Notice-D Jones.PDF

Good Day:

Please find attached your notice for the upcoming CRB meeting to be held at 6:00 p.m. at Old City Hall on April 13, 2009. If you have any questions, please feel free to contact me directly.



Notice-D Jones.PDF  
(38 KB)

Stephen C. Muffler, Esquire  
Executive Director  
Attorney at Law

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City of Key West  
Citizen Review Board  
P.O. Box 1946  
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**Note To Recipients:** Under Florida law, this communication and any response or reply to it, will be subject to public records requests/disclosure laws, unless an applicable privilege or rule of evidence applies.

**Note to Citizen Review Board Members:** In accordance with the Florida Sunshine Law, please do not "reply to all" if there are other board members receiving this e-mail concerning Board business. Please only reply to non-board members when responding.